

REMARKS

This Response is submitted in answer to the Examiner's Action mailed March 5, 2004, with a shortened statutory period of three months set to expire June 5, 2004. Claims 1-3, 5-13, 16-20, 28-33, 35-49, and 57-59 are currently pending. With this amendment, claim 28 has been amended.

The Examiner objected to claim 28 because of an informality. Claim 28 has been amended to correct the typographical error. Therefore, this objection is believed to be overcome.

The Examiner rejected claims 1, 5, 31, 28-29, 35, 57, and 59 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,206,901 issued to *Harlow* in view of U.S. Patent 6,104,799 issued to *Jain*. This rejection is respectfully traversed.

Harlow describes alerting a plurality of telephones to an incoming call. In earlier Office Actions, the Examiner states that the "function" of Applicants' claims is taught by *Harlow* by activating/deactivating call forwarding and by updating/changing numbers.

Applicants claim determining whether a function has been selected for routing the call, and responsive to a determination that a function has been selected for routing the call, routing the call using a sequence of destinations associated with the function. Thus, in order for *Harlow* to render Applicants' claims unpatentable, *Harlow* must teach a function for routing a call. *Harlow* also must teach a sequence associated with that same function.

Applicants claim a determination step: the step of determining whether a function has been selected for routing the call. The activity of activating/deactivating call forwarding is not a determination step. In fact, *Harlow* does not really describe call forwarding. *Harlow* merely states that a primary telephone can be rung, and then a secondary telephone could be rung. Further, the activity of activating/deactivating call forwarding is not associated with a sequence.

The activity of updating or changing numbers is not a determination step. The activity of updating or changing numbers is not associated with a sequence.

The Office Action also refers to column 8, lines 36-47, as describing determining whether a function has been selected for routing a call. This section of *Harlow* describes

a primary telephone number and a secondary telephone number. The ringing to this primary telephone number could be applied for a period of time, and then ringing to this secondary telephone number could be applied.

Applicants disagree that this section of *Harlow* teaches a determination step. Nothing teaches determining whether a function has been selected for routing the call. Nothing in *Harlow* teaches the step of determining. No determination is made in *Harlow*. In *Harlow*, a particular telephone number is designated as being a primary number. That number is chosen first for ringing. If there is no answer within a predetermined period of time, a telephone number that is pre-selected as being a secondary number is chosen.

This section of *Harlow* also describes an alternative approach. In the alternative approach, the telephone number designated as being a primary telephone and the telephone number designated as being the secondary telephone are both rung when a call is received. This does not describe a determining step where a determination is made as to whether a function has been selected for routing the call.

There is no function being selected in *Harlow*. When a call is received, it is sent to the primary telephone and then to the secondary telephone after a period of time. Nothing is selected. A time period is started. When that time period expires, the secondary telephone is rung. No function is selected.

The combination of *Harlow* and *Jain* does not describe, teach, or suggest Applicants' claims. The combination does not describe, teach, or suggest determining whether a function has been selected for routing the call. Further, the combination does not describe, teach, or suggest the combination of features claimed by Applicants. Applicants claim the combination of an affirmative step of determining whether a function has been selected for routing the call in combination with monitoring results from routing of the call and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information. The combination of *Harlow* and *Jain* does not describe, teach, or suggest the combination of determining whether a function has been selected for routing the call in combination with monitoring results from routing the call and automatically modifying the call routing information based on the results to

form modified call routing information, wherein subsequent calls are routed using the modified call routing information.

The Office Action states, with reference to claims 5 and 35, that the function can be read on answering a call. Applicants claim determining whether a function has been selected for routing a call, and then routing the call using a sequence of destinations associated with the function. Thus, applying the Examiner's interpretation to the claims would result in determining whether a call was answered for routing a call, and then routing the call using a sequence of destinations associated with answering a call. The Examiner's interpretation would mean that the action of answering a call must be associated with a sequence of destinations. Nothing in either reference describes the action of answering a call being associated with a sequence of destinations.

The Examiner rejected claims 2-3, 6, 30, 32-33, and 36 under 35 U.S.C. 103(a) as being unpatentable over *Harlow* in view of *Jain*, and further in view of U.S. Patent 5,329,578 issued to *Brennan*. This rejection is respectfully traversed.

Claim 2 describes determining whether a call routing schedule based on time has been selected. If such a schedule has been selected, the call is routed using a call routing schedule based on time. These features are combined with determining whether a function has been selected for routing the call in combination with monitoring results from routing the call and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information.

The combination of Applicants' claims 1 and 2 results in, responsive to identifying call routing information, determining whether a function has been selected for routing the call; and responsive to identifying call routing information, determining whether a call routing schedule based on time has been selected for routing the call. Thus, the combination provides two different routing options; a selection of a function or a selection of a call routing schedule based on time.

The combination of *Harlow*, *Jain*, and *Brennan* provides no teaching or suggestion of making two determinations, one regarding a selection of a function and one regarding a selection of a call routing schedule based on time. It is the combination of these determinations that Applicants are claiming.

Further, the combination of *Harlow*, *Jain*, and *Brennan* provides no teaching or suggestion of a determination of whether a function has been selected for routing the call.

The Examiner rejected claims 7-13, 37-44, and 58 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,322 issued to *Foladare*. This rejection is respectfully traversed.

Claim 7 describes receiving a call, routing the call to the subscriber using a sequence of destinations associated with the subscriber, and automatically modifying the sequence to favor destinations with successful call completions.

Foladare does not teach a sequence of destinations. *Foladare* does not teach success in routing a call. *Foladare* does not teach modifying a sequence. And, *Foladare* does not teach the sequence being modified to favor designations with successful call completions.

Applicants claim routing a call using a sequence of destinations. A "sequence" is an ordered succession. A "sequence" is not merely a list of something where the items in the list are in no particular order. Applicants' claims describe a sequence.

Foladare does not describe, teach, or suggest a sequence of destinations. *Foladare* teaches a default number that is associated with a subscriber. *Foladare* also teaches that a subscriber may have more than one default number. However, *Foladare* does not describe, teach, or suggest that these default numbers are in any particular sequence.

Foladare teaches that if a subscriber responds from a different number that is not one of the subscriber's default numbers, that different number is stored in the subscriber's profile. *Foladare*, however, provides no teaching as to how this number is stored related to other default numbers when there are multiple default numbers.

Applicants claim modifying a sequence. Nothing in *Foladare* teaches modifying a sequence. Nothing in *Foladare* teaches modifying a sequence of destinations. And, nothing in *Foladare* teaches modifying a sequence of destinations to favor destinations with successful call completion.

Applicants claim modifying a sequence of destinations to favor destinations with successful call completion. *Foladare* describes an environment where the default number would not result in successful call completion because the subscriber is at a different

number. The different number to be used in place of the default number is received based on a revertive call. Thus, in *Foladare*, there was no successful call completion at all. The subscriber had to call the service before the different number was obtained and used in place of the default number.

Thus, *Foladare* does not teach a sequence of destinations. *Foladare* does not teach success in routing a call. *Foladare* does not teach modifying a sequence. And, *Foladare* does not teach the sequence being modified to favor designations with successful call completions.

The Examiner rejected claims 16-18 and 45-47 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,276,731 issued to *Arbel*. This rejection is respectfully traversed.

Claim 16 describes an ordered set of destinations. There is a first destination, second destination, and third destination in this ordered set. If there is no answer at the first destination, then no answer at the second destination, and then an answer at the third destination for a number of times, the third destination is selected as the first destination. Thus, the third destination is selected as the first destination in the ordered set of destinations.

The table in column 10, lines 1-9, of *Arbel* teaches a list of potential incoming calls and provides a target telephone number to which a particular incoming call is to be routed. The example describes a doctor selecting other doctors to handle patients in the first doctor's absence. Thus, if Donna Sago calls, her call will be routed to 453-7668. If, however, Brooke English calls, her call will be routed to 222-3333. If the third destination becomes the first destination, Brooke English would be routed to a different doctor which is not what is intended by the invention of *Arbel*.

The table in column 10, lines 20-29, describes a foreman selecting a first target which will receive the foreman's unanswered call. If the first target does not answer, the second target is used. Thus, the ordered set of designations includes the first and the second target. In the example given by *Arbel*, a particular extension is selected as a first target. If no one answers at that extension, the call is routed to the operator which is the second target.

Arbel does not describe, teach, or suggest selecting the third alternate destination as the first destination in the order set. The Examiner states that Applicants argue that *Arbel* does not teach transferring the call to a third party. This is not what Applicants are arguing. Applicants have claimed an order set of destinations that include a first, second, and third destination in the ordered set. Applicants claim selecting one destination to be another destination in the ordered list when the conditions described by Applicants' claim occur. *Arbel* does not teach or suggest making the second target the first target. For *Arbel* to teach this, *Arbel* must in some way describe, if we follow the example in *Arbel*, making the operator the first target. However, this is not taught by *Arbel*.

In addition, *Arbel* does not describe, teach, or suggest altering the targets in response to an answer of a call. Applicants claim selecting the third destination to be the first destination responsive to an answer of the call. If *Arbel* were teaching this, *Arbel* would describe making the operator the first target if the first target did not answer but the operator did. However, this is not taught by *Arbel*.

Arbel does not describe, teach, or suggest making a selection upon an answer of a call, or selecting one destination to be another in response to making a selection upon an answer of a call.

The Examiner rejected claims 19-20 and 48-49 under 35 U.S.C. 103(a) as being unpatentable over *Arbel* in view of *Foladare*. This rejection is respectfully traversed.

These claims describe a period of time. The combination of *Arbel* and *Foladare* does not describe, teach, or suggest an ordered set of destinations where responsive to an answer of the call at the third destination over a period of time, selecting the third destination as the first destination.

It is respectfully urged that the subject application is now in condition for allowance. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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